

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE LYNN KOMORA,

Plaintiff,

Case No. 2:19-cv-11947
District Judge Terrence G. Berg
Magistrate Judge Anthony P. Patti

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER (1) GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
COUNSEL'S MOTION FOR SUBSTITUTION OF COUNSEL (ECF 12); (2)
REQUIRING PLAINTIFF TO ADVISE THE COURT; (3) DIRECTING
ATTORNEY ROYAL TO FILE A CERTIFICATE OF SERVICE; and (4)
DIRECTING THE CLERK OF THE COURT TO MAIL A COPY OF THIS
ORDER TO PLAINTIFF AND TERMINATE DARYL ROYAL AS
COUNSEL**

Plaintiff filed this lawsuit on June 28, 2019, via attorney Daryl Royal. The Commissioner has filed both an answer and a transcript. Pursuant to the Court's October 9, 2019 text-only order, Plaintiff's motion for summary judgment is due by November 8, 2019, the Commissioner's response and motion are due on December 9, 2019, and Plaintiff's reply is due by December 19, 2019.

On October 12, 2019, attorney Royal filed a motion for an order granting substitution of attorney, wherein he explains, *inter alia*, that Governor Gretchen

Whitmer has appointed him Chairperson of the Michigan Workers' Disability Compensation Appeals Commission, he must close his private practice, and he "has arranged for a well-qualified attorney, Bethany Versical, to replace him as attorney in this matter." (ECF 12 at 1.)

Upon consideration, Plaintiff's counsel's motion (ECF 12) is **GRANTED** to the extent it seeks withdrawal of his representation of Plaintiff. Attorney Royal has explained the efforts he took to secure Plaintiff's consent to this change, allegedly to no avail. According to counsel, he was taking office on Monday, October 14, 2019 and could no longer wait for Plaintiff to respond. (ECF 12 at 2.)¹ The Court has no reason to doubt Attorney Royal's representations. However, because the Court cannot force Plaintiff to be represented by a specific attorney, Attorney Royal's motion (ECF 12) is **DENIED** to the extent it seeks substitution of his representation with that of Attorney Versical.

No later than **Thursday, November 14, 2019**, Plaintiff Komora is **REQUIRED** to advise the Court, in writing, as to how she intends to proceed in this lawsuit, *i.e.*, representing herself, agreeing to representation by Attorney Versical, or securing the representation of another attorney. Plaintiff is informed

¹ In fact, the State Bar of Michigan already lists Attorney Royal as a Chairperson of the Workers' Disability Compensation Appeals Council with a State of Michigan email address. (See www.michbar.org, "Member Directory.")


that, until she otherwise advises the Court, she will be considered *in pro per*, i.e., representing herself without an attorney. She is also warned that a failure to prosecute this matter and/or a failure to comply with the Court's directives could lead to dismissal of this case.

Also, Attorney Royal is **DIRECTED** to serve Plaintiff with a copy of this order at what he believes to be Plaintiff's last known address and to file a copy of the related certificate of service with this Court, clearly indicating the plaintiff's last known address for the record.

Finally, the Clerk of the Court is **DIRECTED** to mail a copy of this order to Plaintiff at the address listed in the Social Security Administration Appeals Council's April 12, 2016 letter (18717 Haggerty Rd, Belleville, MI 48111), which seems to be a current address. (ECF 9-2 at 2; *see also* www.whitepages.com.)

IT IS SO ORDERED.

Dated: October 29, 2019



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on October 29, 2019, electronically and/or by U.S. Mail.

s/Michael Williams
Case Manager for the
Honorable Anthony P. Patti